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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,467	11/17/2006	Philippe Espiard	279791US0PCT	8944
22850	7590	08/25/2009	EXAMINER	
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314			PEPITONE, MICHAEL F	
			ART UNIT	PAPER NUMBER
			1796	
			NOTIFICATION DATE	DELIVERY MODE
			08/25/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Response to Arguments

Applicant's arguments filed 8/4/09 have been fully considered but they are not persuasive. The rejection of claims 1-14, 21, and 23-27 based upon Thimons *et al.* (US 5,437,928), Nigam (US 6,171,444), and Drummond (US 4,158,557) is maintained for reason of record and following response.

Thimons *et al.* (US '928) discloses a glass fiber mat {acoustic insulation product} (1:4-6; 2:17-30; 5:36-50) comprising glass fibers and a sizing composition containing a polymeric amine (2:50-68) and a water soluble, non-volatile carboxylic acid (4:63-5:5); wherein a specific embodiment contains tetraethylene pentamine {mw = 189.31 g/mol} and maleic acid {mw = 116.1 g/mol} (6:65-7:45).

In response to applicant's arguments, the recitation a thermal and/or insulation product has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., thermal and/or insulation product manufactured by external or internal fiberization) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations

from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to applicant's argument that the mat obtained from glass fibers onto which the size composition is applied, as disclosed in Thimons *et al.* (US '928), is not a thermal and/or insulation product, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

If it is the applicants' position that the glass fiber mat {acoustic/thermal insulation product} comprising glass fibers and a sizing composition containing a polymeric amine {ex. tetraethylene pentamine} and a water soluble, non-volatile carboxylic acid {ex. maleic acid} disclosed in Thimons *et al.* (US '928) would not function as a thermal and/or insulation product; evidence {data} would need to be presented to support applicant's position.

Nigam (US 6,171,444) was relied on as a secondary reference for disclosing a sizing composition for glass fibers (7:40-31; 11:35-40) comprising polyacids such as maleic acid, oxalic acid, citric acid and tartaric acid (8:16-25).

Drummond (US 4,158,557) provides evidence for glass mats having a density of about 1 oz/ft² {about 305 g/m²} (6:44-47).

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL PEPITONE whose telephone number is (571)270-3299. The examiner can normally be reached on M-F, 7:30-5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Eashoo can be reached on 571-272-1197. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MFP
17-August-09

/Mark Eashoo/
Supervisory Patent Examiner, Art Unit 1796